

**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

IN THE MATTER OF ENFORCEMENT)	
ACTION AGAINST)	PDC CASE NO.: 04-312
)	
Edmund T. Orcutt 2002)	STIPULATION OF FACTS,
Campaign Committee)	VIOLATIONS AND PENALTY
)	
Respondent.)	
_____)	

Edmund T. Orcutt 2002 Campaign Committee (Respondent) and Public Disclosure Commission Enforcement Staff (Staff) jointly submit this Stipulation of Facts, Violations and Penalty for Commission consideration in lieu of a full enforcement hearing before the Commission. The parties agree that pursuant to RCW 42.17.360 et. seq., the Commission has the authority to accept, decline, or to suggest modifications to this Stipulation. In the interest of avoiding further proceedings, the parties enter this Stipulation.

Facts

Both parties agree that the Amended Notice of Administrative Charges dated December 3, 2003 contains accurate statements of fact, except that on Page 10 under the heading “Accepting Campaign Contributions During Session Freeze Period (RCW 42.17.710)” it should also state that the campaign received three contributions totaling \$1,260 prior to the start of the “Session Freeze” period. The Amended Notice of Administrative Charges and all of its exhibits are incorporated herein by this reference.

Staff acknowledges that the Respondent fully cooperated with the resolution of this matter. Staff also agrees that no evidence was found of willful violations. Staff agrees that Representative Orcutt, upon learning of his campaign's reporting problems, took immediate action to make sure the necessary corrections were made, including retaining an experienced consultant to expedite the corrections and to assure that the corrections were made quickly and accurately. Staff acknowledges that the 2002 campaign was the first for which the candidate committee was organized.

Respondent contends that while some expenses and contributions were not timely reported, all expenses and contributions were reported. Respondent contends that some of the late reported expenditures were entered with the wrong date in the WEDS program which resulted in the expenditures not being reported until after the election on amended reports. Staff contends the campaign had an obligation to review reports being submitted for completeness and accuracy.

Staff contends that monetary and in-kind expenditures totaling \$32,040, representing 26 percent of the campaign's total expenditures, were reportable before the election on the campaign's 7-day pre-general election C-4 report. These expenses were ultimately reported on amended reports filed July 10, 2003. Staff further contends that \$31,034, representing 25 percent of the campaign's total expenditures, were reportable on the post election C-4 report due on December 10, 2002, but were not reported until July 10, 2003.

Respondent contends that while credit card expenditures were not properly reported, they were reported, and that furthermore, the credit card used was designated as a campaign card upon which only campaign charges were made.

Staff contends that while the campaign reported two payments to the credit card company before the election, the campaign did not timely report a breakdown of the vendors paid with the credit card purchases.

Respondent contends that the campaign has retained the services of an experienced individual in order to assure that in future campaigns, all records are kept and all contributions and expenditures are reported accurately and in a timely manner.

Violations

Respondent and Staff agree that based upon the facts stipulated above, the Commission would likely find multiple violations of Chapter 42.17 RCW as follows:

- RCW 42.17.080 and 42.17.090 by failing to timely and accurately report the receipt of monetary contributions totaling \$2,335;
- RCW 42.17.060(1) by failing to deposit contributions received within five business days of receipt totaling \$1,260;
- RCW 42.17.080 and 42.17.090 by failing to timely report in-kind contributions totaling \$10,264.13;

Stipulation of Facts, Violations and Penalty

Case No.: 04-312

Page 4

- RCW 42.17.080 and 42.17.090 by failing to timely report monetary campaign expenditures totaling \$52,809.97;
- RCW 42.17.080 and 42.17.090 by failing to report campaign liabilities for campaign expenditures made with a credit card totaling \$5,279.75; and
- RCW 42.17.105 by failing to file required special reports, due within 48 hours of receiving contributions within 21 days of the general election, totaling \$21,640.24.

Penalty

Respondent and Staff agree that based upon the facts and the agreement regarding violations of RCW 42.17 above, the Respondent accepts an assessed total civil penalty of three thousand five hundred dollars (\$3,500.00). One thousand dollars (\$1,000.00) will be suspended provided no Edmund T. Orcutt campaign for state or local elective office in 2004 through 2006 is found in violation of any section of RCW 42.17 by the full Commission. The Respondent agrees that the two thousand five hundred dollar (\$2,500.00) non-suspended portion of the penalty will be paid in full within 60 days from the entry of the Commission's Final Order in this matter. On behalf of his past and future campaign committees, Edmund T. Orcutt agrees to comply in good faith with Chapter 42.17 RCW.

Respectfully submitted this 10th day of December, 2003.

/s/
Vicki Rippie, Executive Director

/s/
DATE SIGNED

/s/
Edmund T. Orcutt, State Representative
Edmund T. Orcutt 2002 Campaign

/s/
DATE SIGNED